

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIMBERLY BOYNE

v.

MICHAEL J. ASTRUE

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CIVIL ACTION

NO. 06-5006

**FILED**

AUG 22 2007

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk


ORDER

AND NOW, this 22nd day of August, 2007, upon consideration of plaintiff's motion for summary judgment (docket entry # 10), defendant's reponse and motion for summary judgment (docket entry # 11), and Magistrate Judge Perkin's Report and Recommendation (docket entry # 13) and the Court finding that no objections to the report and recommendation were filed and that we may, therefore, adopt the report and recommendation without further discussion, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion for summary judgment is GRANTED IN PART as described below;
3. The case is REMANDED to the Commissioner in accordance with the sixth sentence of 42 U.S.C. § 405(g) for consideration of the medical reports of March 21, 2006 and April 10, 2006 in accordance with the Report and Recommendation;
4. In all other respects, plaintiff's motion is DENIED;
5. Defendant's motion for summary judgment is DENIED;

6. The Clerk of Court shall CLOSE this matter statistically.

BY THE COURT:

  
Stewart Dalzell, J.

-mail:

S. Farber  
J. Gordon  
E. Guisto